

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SHAWNNEKA WATKINS,

Plaintiff,

-against-

AHRC; THE CITY AND STATE; NYCHA'S
RENT,

Defendants.

20-CV-10878 (LTS)

ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

By order dated April 19, 2021, the Court dismissed the complaint as frivolous. (ECF 6.) Judgment was entered on the same day. (ECF 7.) On November 3, 2022, Plaintiff filed a notice of appeal and a motion for an extension of time to file a notice of appeal.¹ (ECF 8, 9.) For the reasons set forth below, the Court denies Plaintiff's motion for an extension of time to file her notice of appeal.

Under Rule 4(a)(1)(A) of the Federal Rules of Appellate Procedure, a notice of appeal in a civil case must be filed within 30 days after entry of judgment. A district court may grant a limited extension of time to file a notice of appeal if: (1) a party moves for the extension no later than 30 days after the time prescribed by Rule 4(a) expires; and (2) the moving party establishes excusable neglect or good cause. Fed. R. App. P. 4(a)(5).

Here, Plaintiff filed the motion on November 3, 2022, 1 year, 6 months, and 15 days (563 days) after judgment was entered on April 19, 2021. Because Plaintiff's motion was not filed within 60 days after the entry of judgment, the Court does not have authority under Rule 4(a)(1)(A) to extend the time to appeal. *See Goode v. Winkler*, 252 F.3d 242, 245 (2d Cir. 2001)

¹ Both documents were entered on the docket on November 10, 2022.

(holding that district court had no authority to consider *pro se* motion under Fed. R. App. P. 4(a)(5) filed over 30 days after expiration of initial appeal period). Plaintiff's motion is therefore denied.

CONCLUSION

The Court denies Plaintiff's motion for an extension of time to file a notice of appeal. (ECF 8.)

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: February 16, 2023
New York, New York

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge